



CERTIFICATE OF MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN
ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS,
WASHINGTON, D.C. 20231, ON OCTOBER 5, 2001

Steve Altman
AGENT/ATTORNEY FOR APPLICANT

October 5, 2001
DATE

TECH CENTER 1600/2900

OCT 12 2001

RECEIVED

Attorney Docket No. 0943

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Lowe et al.	Date:	October 5, 2001
Serial No.:	09/435,054	Group Art Unit:	1638
Filed:	November 8, 1999	Examiner:	Ibrahim, M.
For:	Transcriptional Activator Nucleic Acids, Polypeptides and Methods of Use Thereof		

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction Requirement issued September 6, 2001.

Applicants elect with traverse the claims of Group I, Claims 1-12, 15, 33 and 48-49, drawn to an isolated nucleic acid, expression cassette, transgenic plant/plant cell/seed for continued prosecution herein. Applicants also elect the species sequences of Group A. Applicants reserve the right to prosecute the non-elected claims in one or more continuing applications

Under MPEP 803 the Examiner is requested to examine claims to independent or distinct inventions if the examination does not place an undue burden on the Examiner. It is submitted that nucleic acids, the polypeptides they encode, and methods that employ at least one of the nucleic acids introduced

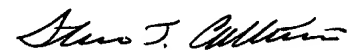
Serial No. 09/435,054
Group Art Unit: 1638

into a plant, are sufficiently closely related so as to be examined in one application.

It is therefore submitted that groups I, II, and III are sufficiently closely related to be combined without undue burden.

The improper dependency of Claim 43 is noted. Since Claim 43 has not been elected for continued prosecution in the application correction will be addressed in a subsequent continuing application.

Respectfully submitted,



Steven J. Callistein
Attorney for Applicants
Registration No. 43,525

PIONEER HI-BRED INTERNATIONAL, INC.
Corporate Intellectual Property
7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 254-2823
Facsimile: (515) 334-6883